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Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

REMARKS

In the Office Action dated May 3, 2004, the drawing were objected to; claim 32 was rejected under 35 U.S.C. § 112, ¶ 2; claims 14-16, 18, 20-26, 31, 46, and 48-50 were rejected under § 102 over U.S. Patent No. 6,512,818 (Donovan); and claims 32, 35, 36, and 47 were rejected under § 103 over Donovan alone.

Applicant acknowledges allowance of claims 3-6, 8-11, 28-30, 37-45, and 51-57.

OBJECTIONS TO THE DRAWINGS

It is respectfully submitted that the subject matter of the data signal claims (28-30 and 51-57) is adequately depicted by the drawings.

The Office Action specifically stated that "the data signal embodied in a carrier wave and performing one-to-many translation when receiving an inbound call request containing the callee [sic] identifier must be shown or the feature(s) canceled from the claim(s)." 5/3/2004 Office Action at 2. However, Applicant respectfully notes that *none* of the data signal claims recite the "one-to-many translation" element cited by the Office Action. Therefore, there is no need to show this feature with respect to the data signal claims.

In Applicant's previous reply, Figure 1 was amended to depict a carrier wave 9. Applicant believes that this is sufficient to depict the carrier wave recited in the claims. Note that claims 28-30 and 51-57 recite a data signal embodied in a carrier wave and *containing instructions* that when executed cause a system to perform certain acts. The acts are depicted in flow diagrams of the present application, and thus are supported by the drawings.

Withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

The following language of claim 32 was objected to; "a controller adapted to establish a call session between the originating device and a voice response device separate from the system in response to the call request." The Office Action asserted that

Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

it is unclear what device is separate from the system. It is respectfully submitted that the placement of the "separate" clause right after voice response-device clearly indicates that it is the "voice response device" that is separate from the system. Withdrawal of the § 112 rejection of claim 32 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Independent claim 14 was rejected as being anticipated by Donovan. It is respectfully submitted that Donovan does not disclose at least the following two elements of Donovan: (1) identifying one of plural destination devices to contact in response to the call request; and (2) identifying another one of the plural destination devices to contact. The Office Action asserted that the identifying one of plural destination devices is "inherently part of the system [of Donovan], because any phone call contain [sic] a destination device identified with a phone number or address." 5/3/2004 Office Action at 3. Applicant respectfully submits that the end office 151 of Donovan, and in particular, the VRU 113 (depicted in Figure 1 of Donovan), does not perform the act of identifying one of plural destination devices to contact in response to a call request.

As expressly explained by Donovan, a call originator 101 issues a call request to call terminator 103. Donovan, 7:7-11. The VRU 113 is involved in the call for the purpose of performing digit collection to obtain account or billing information from the call originator. Donovan, 4:13-17, 5:9-12. The collection of account or billing information allows the VRU to determine whether the call originator is authorized to place the call. Donovan, 4:16-18, 5:12-14. In other words, what the VRU 113 performs is collection of account or billing information to determine whether the call originator is authorized to make a call--the VRU 113 does not identify one of plural destination devices to contact in response to a call request.

In fact, the VRU 113 does not need to perform this identifying, as the call originator provides the identification of the call terminator in the Also header of a BYE VRU message. Donovan, 8:24-27. Thus, it is clear that the VRU 113 is merely an entity that performs collection of account or billing information, and that performs sending of a call request to the call terminator in response to a specific request by the call originator to

Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

establish the call with the call terminator. No identifying of one of plural destination devices is needed in the VRU 113, or anywhere else in the end office 151 of Donovan.

Moreover, note that claim 14 recites that identifying one of plural destination devices is performed in response to a *call request*. The identity of the call terminator in Donovan is provided in a BYE message (in the Also header), which is a call release message, *not a call request*. Therefore, this aspect of the identifying act of claim 14 cannot be satisfied by Donovan.

For similar reasons, there simply is no teaching anywhere in Donovan of identifying another one of plural destination devices to contact. Similar to the reasons provided above, the VRU 113 (or any other device in the in office 151 of Donovan) has no reason to perform identifying one of plural destination devices to contact, since the call originator specifically identifies the call terminator in a BYE message.

In view of the foregoing, it is respectfully submitted that claim 14 is not anticipated by Donovan.

Claims dependent from claim 14 are allowable for at least the same reasons as for claim 14. Moreover, with respect to dependent claim 15, Donovan does not teach that sending a second indication to the first device (which is the call originator of Donovan) includes sending a fourth call request. The Office Action stated that the call originator can make numerous calls to separate destinations. 5/3/2004 Office Action at 4. Note, however, that claim 15 recites that a third call request is sent to the other one destination device to establish the second call, and that the fourth call request is sent to the first device to establish the second call. Thus, two call requests (third and fourth) are issued in claim 15 to the devices involved in the second call (the first device and the other one destination device) to establish the second call. The VRU of Donovan clearly does not perform the sending of two call requests (one to the call originator and one to the call terminator) to establish a second call. Claim 15 is thus allowable for at least this further reason.

Independent claim 18 was also rejected as being anticipated by Donovan. Claim 18 recites that first and second calls established with first and second devices are part of one call session. The Office Action pointed to the two call-legs referred to in Donovan as teaching the first and second calls. However, Applicant notes that the first and second

Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

call-legs described in Donovan are two *separate* call sessions, not *one* call session. In Figure 6 of Donovan, after the VRU exchanges data with the call originator and completes processing, the VRU sends a BYE VRU message to the call originator. Donovan, 8:19-29. As explained by Donovan itself, the BYE message indicates that a call should be released. Donovan, 8:4-5. Thus, based on the messaging depicted in Figure 6 of Donovan, the two call-legs referred to by Donovan are two separate call sessions, since the BYE message sent by the VRU to the call originator is an indication that the first call session between the VRU and the call originator is released.

The Office Action argued that the BYE message sent by the call originator to the VRU at 606 (Figure 6 of Donovan) "does not effect [sic] the established call/session." 5/3/2004 Office Action at 7. Applicant respectfully disagrees, as clearly there are two separate call sessions established in Figure 6 of Donovan. Donovan itself is unambiguous in stating that the BYE message indicates the release of a call. The SIP Specification (RFC 2453, submitted in the IDS dated October 5, 2000) also explains that the BYE message is used to indicate that release of a call is desired. RFC 2453, p. 29. Thus, as depicted in Figure 6, the acts between 601 and 609 constitute one call session, while the acts 611-615 constitute a second, separate call session. Thus, claim 18 is not anticipated by Donovan.

Independent claim 22 was also objected as being anticipated by Donovan. The Office Action pointed to the proxy server 305 (depicted in Figure 3 of Donovan) as being capable of being in the server mode, client mode, and proxy mode. Note that claim 22 recites the processing of a first call request from a first device in a server mode, and *in response to the first call request*, sending a second call request to a second device in a *client mode*. In Figure 6 of Donovan, it is clear that the VRU proxy server 305 does not send a second call request to a second device in a client mode *in response to the first call request*. The call request sent by the call originator to the VRU is INV VRU (601) in Figure 6 of Donovan. Rather than send a second call request to a second device in a client mode in response to the INV VRU request, the VRU 603 proceeds to send messages back to the call originator to establish a separate call session for the purpose of collection digits. The VRU sends an INV CALL TERMINATOR message (611) to the call terminator in response to a call *release* message (BYE VRU, at 607), not in response

Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

to a call request from the call originator. Thus, the VRU proxy server 305 of Donovan cannot satisfy claim 22.

Claims dependent from claim 22 are allowable for at least the same reasons as claim 22.

Independent claim 31 was also rejected as being anticipated by Donovan. Claim 31 is allowable over Donovan for reasons similar to those as for claim 22, since Donovan fails to disclose that a second module is adapted to send a second call request to a second device in a client mode *in response to a first call request that is received from a first device by a first module in server mode*.

Independent claim 46 was also rejected as being anticipated by Donovan. Claim 46 recites a controller to receive a first call request from an originating device, send messaging to a first destination device in response to the first call request to establish a first call between the originating device and the first destination device to receive input data, and send messaging to a second destination device *in response to the received input data* to establish a second call between the originating device and the second destination device *based on the received input data*.

The rejection of claim 46 was lumped with the rejection of independent claim 14. 5/3/2004 Office Action at 3. However, the Office Action only cited to the language of claim 14, but did not make any reference to the language of claim 46. The rejection of claim 46 over Donovan is defective for at least this reason.

Moreover, Donovan clearly does not disclose sending messaging to a *second* destination device *in response to received input data* received in a first call between the originating device and a *first* destination device. Claim 46 is thus not anticipated by Donovan.

Independent claim 32 was rejected as being obvious over Donovan alone. To establish a *prima facie* case of obviousness, there must be some motivation or suggestion to modify the teachings of a prior art reference. *See* MPEP § 2143 (8th ed., Rev. 2) at 2100-129. This requirement has not been satisfied by the Office Action. Donovan clearly does not disclose a controller (that is part of a system) to establish a call session between an originating device and a voice response device, where the voice response device is separate from the system. Donovan specifically teaches that the VRU itself (the

Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

voice response unit) establishes a call session with the call originator to collect digits regarding billing or accounting information. Thus, clearly, Donovan does not provide any suggestion that a controller (which is part of a system separate from the voice response device) is adapted to establish a call session between the originating device and the voice response device.

There is absolutely no suggestion provided anywhere that would provide the requisite suggestion to modify the teachings of Donovan. The Office Action made a conclusory remark that this feature of Donovan would have been obvious to one of ordinary skill in the art--however, no proof whatsoever is provided to support this allegation. Without objective proof that would suggest a modification of Donovan to achieve the subject matter of claim 32, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 32.

Also, contrary to the assertion made by the Office Action, Donovan clearly does not disclose or suggest a controller to identify one device from a group of devices based on further information received from the originating device in response to prompting from the voice response device. In Donovan, the VRU collects billing or accounting information from the call originator. This accounting or billing information clearly is *not* used by any controller to identify one device from a group of devices. For this further reason, a *prima facie* case of obviousness has not been established with respect to claim 32.

Claims dependent from claim 32 are allowable for at least the same reasons as claim 32.

In view of the foregoing, all claims are believed to be in condition for allowance. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0051US).

Appl. No. 09/589,326
Amdt. dated July 6, 2004
Reply to Office Action of May 3, 2004

Respectfully submitted,



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